

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAMES A. NICHOLS, II,)
vs.)
Petitioner,)
vs.) Case No. 05-CV-497-JHP-PJC
JOHN GRUBBS, Warden,)
Respondent.)

ORDER

On August 31, 2005, the Court received for filing Petitioner's 28 U.S.C. § 2254 petition for writ of habeas corpus (Dkt. # 1).

In order to commence a habeas corpus action in this Court, Petitioner is required to submit a \$5.00 filing fee. 28 U.S.C. § 1914. Should Petitioner lack sufficient funds to pay the filing fee, he may file a motion for leave to proceed *in forma pauperis*, supported by a "Statement of Institutional Accounts" completed and signed by an authorized prison official. In the instant case, Petitioner has neither paid the \$5.00 filing fee nor submitted a motion for leave to proceed *in forma pauperis*. Before this action may proceed, Petitioner must either (a) pay the \$5.00 filing fee or submit a motion for leave to proceed *in forma pauperis*, or (b) show cause in writing for his failure to cure the filing fee deficiency.

ACCORDINGLY IT IS HEREBY ORDERED that:

1. Within thirty (30) days of the entry of this Order, or by October 7, 2005, Petitioner shall either (a) pay the \$5.00 filing fee or submit a motion for leave to proceed *in forma pauperis*, or (b) show cause in writing for his failure to cure the filing fee deficiency.
2. The Clerk of Court is directed to send Petitioner a blank motion for leave to proceed *in forma pauperis* (ifp-hc.dis), marked Case No. 05-CV-497-JHP-PJC.

Failure to comply with this Order may result in the dismissal of this action without prejudice and without further notice.

SO ORDERED THIS 7th day of September 2005.



James H. Payne
United States District Judge
Northern District of Oklahoma